

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 10, 2008

DIVISION ONE

B204042 Emma Williams (Not for Publication)
 v.
 Dennis Ablakhad

The judgment is reversed to the extent it (1) awarded more than \$6,213 on Williams's breach of contract claim, (2) awarded Williams \$10,000 in damages for lost use of the Cadillac, (3) awarded Williams \$4,000 for breach of the covenant of good faith and fair dealing, and (4) failed to include the jury's award to Ablakhad of \$2,950 on his breach of contract claim; in all other respects the judgment is affirmed. The cause is remanded to the trial court with directions to prepare a new judgment (1) incorporating these modifications into the judgment, (2) offsetting Ablakhad's breach of contract damages of \$2,950 against the overall award to Williams of \$8,013, and (3) reflecting a net damage award to Williams of \$5,063, plus attorney fees of \$28,591.50. Each side to bear its own costs on appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Dunning, J. (Assigned)

B194476 People (Not for Publication)
 v.
 Chavez

We affirm Chavez's conviction and the denial of his motion for a new trial.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION TWO

B201371 People (Not for Publication)
v.
Casey

The judgment is modified to strike the sentence enhancements under section 12022.53, subdivisions (d) and (e)(1) in counts 1 and 2. In all other respects the judgment is affirmed. The superior court is directed to amend the abstract of judgment to reflect that the firearm enhancements are stricken.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B203142 People (Not for Publication)
v.
Taylor

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B200369 People (Not for Publication)
v.
Cole

The judgment is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

December 10, 2008 (Continued)

DIVISION TWO (continued)

B202167 People (Not for Publication)
v.
Meza

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B200770 Trisler (Not for Publication)
v.
Los Angeles County MTA

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B198174 Myles II (Not for Publication)
v.
County of Los Angeles et al.

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION THREE

Court convened at 9:00 a.m.

Present: Klein, P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B200454 People v. Chea
B198508 People v. Adams
B199922 People v. Perez
B204810 People v. Eguiluz
B205579 L.A. County DCFS v. J.O
B206343 People v. Lee
B205531 People v. Madden
B200984 People v. Zepeda
B203811 People v. Hernandez
B206632 People v. Leslie

Argument waived, cause submitted.

B199053 People
 v.
 Kravitz

Merits:

Argued by Roberta Schwartz, deputy district attorney for appellant and by Sherwin Edelberg for respondent. Cause submitted.

B205489 Moore
 v.
 Housing Authority

Merits:

Argued by Darrell J. Moore, appellant in propria persona and by Joseph L. Stark for respondent. Cause submitted.

DIVISION THREE (continued)

B205451 People
 v.
 Chirino

Merits:

Argued by Brian D. Lerner for appellant and by Peggy Z. Huang, deputy attorney general for respondent. Cause submitted.

B203236 People
 v.
 Schroeder

Merits:

Argued by Syda Kosofsky for appellant and by Blythe Leszkay, deputy attorney general for respondent. Cause submitted.

B204070 John
 v.
 Personnel Commision of the L.A. Unified School District

Merits:

Argued by Aleyamma John, appellant in propria persona and by Arlin Kachalia for respondent. Cause submitted.

B200505 Lloyd
 v.
 County of Los Angeles

Merits:

Argued by Leo James Terrell for appellant and by Alison Turner for respondent. Cause submitted.

Court recessed.

DIVISION THREE (continued)

Court convened at 1:30 p.m.

Present: Klein, P.J., Kitching, J., Aldrich, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B203885 People v. B.L.
B203619 People v. Juan M Perez
B200748 People v. A.G.
B200371 People v. Jacob R. Smith
B199004 People v. Travon Pugh
B208454 DCFS v. M. G.
B201001 People v. Phillip Lozano
B204281 People v. Eric Washington
B200361 People v. Melinda Ann Marshall
B205365 People v. Robert Rangel
B203651 Jane Roe et al v. Jack Justin McClellan
B208324 DCFS v. L. C.
B205231 DCFS v. D.R. et al

Argument waived, cause submitted.

B200947 People
v.
Rodolfo Camacho

Merits:

Argued by Maxine Weksler for appellant and by Daniel C. Chang for respondent. Cause submitted.

B202847 Burbank Mall Associates LLC
v.
Georgiou Studio Inc.

Merits:

Argued by Richard Geoffrey Daggenhurt for appellant and by John Patrick Byrne for respondent. Cause submitted.

DIVISION THREE (continued)

B210876 M.G. & R.G.
 v.
 Los Angeles Superior Court
 Los Angeles County, D.C F.S.

Merits:

Argued by Steven Shenfeld for petitioner M.G., by Jacklyn K. Louie, Deputy County Counsel for real party in interest DCFS and by Martha Mathews for real party in interest D.G. No appearance for petitioner R.G. Cause submitted.

B210470 Long Beach Memorial Medical Center
 v.
 Superior Court, Los Angeles County
 (Makya Connors, et al, r.p.i.)

Merits:

Argued by David S. Ettinger for petitioner and by Curtis Cole for real parties in interest. Cause submitted.

Court adjourned.

B202709 Scottish Rite Cathedral Association of L.A. (Not for Publication)
 v.
 Shaoulain

The judgment is affirmed. Plaintiff is awarded its costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B207661 New Albertsons, Inc. (Certified for Publication)

v.

Superior Court, Los Angeles County
(Shanahan, et al., r.p.i.)

Let a peremptory writ of mandate issue directing the trial court to vacate its order denying the motion to withdraw an admission and granting in part the motion for sanctions, and issue a new order granting the motion to withdraw an admission and denying in full the motion for sanctions. The trial court, however, may impose such conditions on the granting of the motion to withdraw as, in the circumstances, are appropriate, fair, and just. The order to show cause is discharged, and the stay of the trial is vacated upon the issuance of our remittitur. Albertsons is entitled to recover its costs in this appellate proceeding.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FIVE

B200460 People (Not for Publication)

v.

Antonio Marshall

A \$20 court security fee is imposed on count 2, pursuant to section 1465.8, subdivision (a) (1). In addition, a \$35 construction penalty is imposed pursuant to Government Code section 76000, along with a 20 percent surcharge of \$10 pursuant to Penal Code section 1465.7. The judgment of conviction is affirmed in all other respects.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (continued)

B204937 F. Bari Nejadpour (Not for Publication)
 v.
 Bruce R. Fink

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B205562 People
 v.
 Jose G.

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

Court convened at 9:00 a.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B195446 Charles A. Pratt Construction Co. v. CA Coastal Commision

Argument continued to January, 2009.

B202854 Barnes
 v.
 Shellenbarger

Merits:
Argued by Wendy C. Lascher for appellant and by Mary J. Quin for
respondent. Cause submitted.

DIVISION SIX (continued)

B206421 National Careers Corp.
 v.
 Speer

Merits:

Argued by Nancy Lea Speer, appellant appearing in propria person. No appearance by respondent pursuant to rule 8.220(a)(2), Calif. Rules of Court. Cause submitted.

B204575 Gray
 v.
 Carbajal

Merits:

Argued by Eric Woosley for appellant and by Mary Pat Barry for respondents. Cause submitted.

B201302 People
 v.
 Imergent, Inc.

Merits:

Argued by Raymond B. Kim for appellants; by Michele R. Van Gelderen, Deputy Attorney General, for respondent; and by Mitchell F. Disney, Deputy District Attorney for respondent by leave of court. Cause submitted.

B204830 Franke
 v.
 Bam Building Co.

Merits:

Argued by Matthew P. Guasco for appellants and by Simon J. Dunstan for respondent. Cause submitted.

DIVISION SIX (continued)

B205014 Shon
 v.
 Mercury Casualty Co.

Merits:

Argued by Rydan Shon, appellant appearing in propria persona and by Holly Christine Blackwell for respondent. Cause submitted.

Yegan, J. left the bench.

B208974 San Bernardino Valley Water Conservation District
 v.
 San Bernardino Co. Local Agency Formation Commission

Merits:

Argued by James Dominic Ciampa for appellant, by Daniel Scott Roberts for respondent San Bernardino County Local Agency Formation Commission and by David Ram Elias Aladjem for respondents San Bernardino Valley Municipal Water District et al. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B192977 Maria vista Estates v. Co. of San Luis Obispo

Ordered off calendar.

Each of the following:

B202194 Marriage of Rios
B204975 Child Welfare Services v. J.W.
B208547 Dept. of Social Services v. S.W.

Argument waived, cause submitted.

DIVISION SIX (continued)

B206642 Child Protective Services
 v.
 K.A.

Merits:

Argued by Anne E. Fragasso for appellant and by Joel F. Block, Deputy County Counsel for respondent. Cause submitted.

B206595 Child Protective Services
 v.
 D.H.

Merits:

Argued by Mark Brown for appellant and by Joel F. Block, Deputy County Counsel for respondent. Cause submitted.

B202913 B.F.
 v.
 County of San Luis Obispo

Merits:

Argued by Jean F. Matulis for appellant and by Leslie H. Kraut, Deputy County Counsel for respondent. Cause submitted.

B206562 Rode
 v.
 Front Range Motorcycles, Inc.

Merits:

Argued by Kevin M. McCormick for appellants and by Mark R. Wietstock for respondent. Cause submitted.

Coffee, J. left the bench.

December 10, 2008 (Continued)

DIVISION SIX (continued)

B199525 Santa Barbara School District
v.
Harmachis

Merits:

Argued by Mary L. Dowell for appellant and by Robert A. Bartosh for respondent. Cause submitted.

Court recessed.

Court reconvened at 3:00 p.m.

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B199364 Safeco Ins. Co. of America
v.
Parks

Merits:

Argued by Raymond H. Goettsch for appellant / cross-respondent and by Herb Fox for respondent / cross-appellant. Cause submitted.

Court adjourned.

DIVISION SEVEN

B202712 Zumwalt (Not for Publication)
v.
Kevin Lee Collections, Inc.

The judgment of the superior court is reversed with respect to the \$30,000 award of emotional distress damages. In all other respects, it is affirmed. Each party is to bear its own costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

DIVISION SEVEN (continued)

B208008 In re D.P. (Not for Publication)

Los Angeles County, D.C F.S.

v.

Theresa P., et al.

The judgment is affirmed.

Zelon, J.

We concur: Woods, Acting P.J.
 Jackson, J.

B201469 Ayres (Not for Publication)

v.

Mountain High Holdings. LLC

The judgment is affirmed. Respondent(s) to recover costs.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

B208357 Blum (Not for Publication)

v.

Superior Court, Los Angeles County
(Hitomi Blumberg, LLC, r.p.i.)

Let a peremptory writ of mandate issue directing the superior court to reverse its order denying Blum's motion to quash service and to enter an order granting Blum's motion to quash service of the summons and complaint. Blum is awarded his costs in bringing this petition.

Woods, J.

We concur: Perluss, P.J.
 Jackson, J.

DIVISION EIGHT

B207510 People (Not for Publication)
v.
E.V.,

The judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.
O'Neill, J. (Assigned)

B195336 Atallah (Not for Publication)
v.
Equilon Enterprises

The judgment is reversed. The court's ruling that there is no evidence of Equilon's financial condition for the purposes of a punitive damage award is vacated and the case is remanded, upon a proper showing of Equilon's financial condition, for further proceedings to determine the amount of punitive damages to be awarded. Following such proceedings, the court is directed to enter a judgment consistent with the verdict returned by the jury on July 12, 2006, with this opinion and with the result of the additional proceedings mandated by our order. Atallah is to recover his costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Bigelow, J.

B196516 People
v.
Connors

Filed order denying petition for rehearing.

DIVISION EIGHT (continued)

B200662 McGrath

v.

Associated Ready Mixed Concrete, Inc., et al.

Filed order denying petition for rehearing.